UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
MCCARTHY, CHRISTOPHER S

ART UNIT	PAPER NUMBER
2113	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 August 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-47</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-47</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>04 August 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>8/4/03</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-2, 4-13, 17-22, 25-26, 28-30, 32-37,38-47 are rejected under 35 U.S.C. 102(e)

as being anticipated by Keyes et al. U.S. Patent 6,516,427

As per claim 1, Keyes teaches a method of diagnosing network devices, comprising:

receiving an error notification in a network device; creating a diagnostic report relating to the

network device (column 2, line 66 – column 3, line 3); and automatically transmitting the

diagnostic report through a firewall to a service center (column 4, lines 11-18).

As per claim 2, Keyes teaches the method of claim 1, wherein creating the diagnostic

report includes generating the diagnostic report in an electronic format (column 4, lines 29-41).

As per claim 4, Keyes teaches the method of claim 2, wherein transmitting the diagnostic

report includes using a firewall penetrating protocol (column 3, line 65 – column 4, line 5).

As per claim 5, Keyes teaches the method of claim 2, wherein transmitting the diagnostic

report includes using at least one of Simple Mail Transfer Protocol (SMTP), and Hypertext

Transfer Protocol (HTTP) (column 4, lines 29-41).

As per claim 6, Keyes teaches the method of claim 5, wherein transmitting the diagnostic report is executed by a communication module in the networked device (column 4, lies 42-53).

As per claim 7, Keyes teaches the method of claim 2, further includes: receiving the diagnostic report at the service center in the electronic format; and reading the diagnostic report programmatically at the service center (column 4, lines 11-18).

As per claim 8, Keyes teaches the method of claim 7, including determining a suggested course of action based on the diagnostic report at the service center (column 4, lines 42-50).

As per claim 9, Keyes teaches the method of claim 8, including communicating the suggested course of action from the service center to a customer representative (column 4, lines 16-18).

As per claim 10, Keyes teaches the method of claim 1, wherein creating the diagnostic report includes reading a configuration status file of the network device (column 3, lines 52-58).

As per claim 11, Keyes teaches the method of claim 1, wherein receiving the error notification includes at least one of a user selection on an interface of the networked device, and an automatic signal generated by a machine error in the networked device (column 4, lines 30-32).

As per claim 12, Keyes teaches a network device configured to transmit a diagnostic report, the network device comprising: an error notification generator configured to generate an error notification upon detection of a malfunction in the network device; a diagnostic module configured to generate a diagnostic report in response to the error notification; and a communication module configured to automatically execute transmission of the diagnostic report

to a service center upon generation of the diagnostic report (column 2, line 66 – column 3, line 3; column 4, lines 11-18).

As per claim 13, Keyes teaches the network device of claim 12, wherein the diagnostic module is configured to produce the diagnostic report in an electronic format (column 4, lines 29-41).

As per claim 17, Keyes teaches the networked device of claim 12, wherein the error notification generator includes at least one of a user selection on an interface of the network device, and an automatic signal generated by an error in the network device detected by a sensor (column 4, lines 30-32).

As per claim 18, Keyes teaches a method of providing help to a user of a network device comprising: generating an error notification in response to a detected malfunction in the network device; generating a diagnostic report relating to the malfunction in the network device; automatically transmitting the diagnostic report over a network to a service center in response to the error notification (column 2, line 66 – column 3, line 3; column 4, lines 11-18); receiving the diagnostic report relating to the network device at the service center (column 4, lines 11-18); determining a suggested course of action based on the diagnostic report; and communicating the suggested course of action to the user (column 4, lines 16-18, 42-50).

As per claim 19, Keyes teaches the method of claim 18, wherein receiving the diagnostic report includes receiving the diagnostic report in an electronic format (column 4, lines 11-18).

As per claim 20, Keyes teaches the method of claim 19, further including programmatically reading the diagnostic report received from the network device in the electronic format (column 4, lines 11-18).

As per claim 21, Keyes teaches the method of claim 20, wherein determining the

suggested course of action occurs based on the programmatically read diagnostic report (column

4, lines 42-50).

As per claim 22, Keyes teaches the method of claim 20, wherein transmitting the

diagnostic report includes transmitting the diagnostic report through a firewall to an external

network (column 3, line 65- column 4, line 5).

As per claim 25, Keyes teaches a user service system comprising: a service center; a

network device having a diagnostic module configured to produce a diagnostic report in response

to an error notification received from an error notification generator, and a communications

module configured to automatically transmit the diagnostic report from the network device to the

service center upon receipt of the error notification; and a network connecting the networked

device and the service center, wherein the network includes a firewall interposed the network

device and the service center (column 2, line 66 – column 3, line 3; column 4, lines 11-18).

As per claim 26, Keyes teaches the user service system of claim 25, wherein the

diagnostic report transmitted to the customer service center through the firewall is in an

electronic format (column 4, lines 29-41).

As per claim 28, Keyes teaches the user service system of claim 26, wherein the

transmission through the firewall uses at least one of Simple Mail Transfer Protocol (SMTP),

and Hypertext Transfer Protocol (HTTP) (column 4, lines 29-41).

As per claim 29, Keyes teaches a network device configured to transmit a diagnostic

report comprising: a means for generating an error notification; a means for producing a

diagnostic report in response to an error notification; and a means for automatically transmitting

the diagnostic report upon receipt of the error notification (column 2, line 66 – column 3, line 3; column 4, lines 11-18).

As per claim 30, Keyes teaches the network device of claim 29, wherein the means for producing the diagnostic report produces the diagnostic report in an electronic format (column 4, lines 29-41).

As per claim 32, Keyes teaches the network device of claim 31, wherein: the diagnostic report is transmitted to a service center; the service center programmatically reads the diagnostic report; and a suggested course of action based on the diagnostic report is determined by the service center (column 4, lines 11-18, 42-50).

As per claim 33, Keyes teaches the network device of claim 30, wherein the means for automatically transmitting the diagnostic report to a service center includes transmitting the diagnostic report through a network firewall to a location on an external network (column 3, line 65 – column 4, line 5).

As per claim 34, Keyes teaches the networked device of claim 33, wherein the means for transmitting the diagnostic report includes at least one of Simple Mail Transfer Protocol (SMTP), and Hypertext Transfer Protocol (HTTP) to transmit the diagnostic report through the firewall (column 4, lines 26-41).

As per claim 35, Keyes teaches the network device of claim 29, wherein the error notification includes at least one of a user selection on an interface of the network device, and an automatic signal generated by a machine error in the network device (column 4, lines 30-32).

As per claim 36, Keyes teaches a program storage device readable by a processor, tangibly embodying a program of instructions executable by the processor to perform a method

of diagnosing network devices: receiving an error notification on a network device; creating a

diagnostic report for the network device; and automatically transmitting the diagnostic report

through a firewall to a service center (column 2, line 66 – column 3, line 3; column 4, lines 11-

18).

As per claim 37, Keyes teaches the method on the program storage device of claim 36,

wherein creating the diagnostic report includes generating the diagnostic report in an electronic

format (column 4, lines 29-41).

As per claim 39, Keyes teaches the method on the program storage device of claim 36,

wherein the diagnostic report is transmitted over a network (column 4, lines 11-18).

As per claim 40, Keyes teaches the method on the program storage device of claim 39,

wherein transmitting the diagnostic report includes using at least one of Simple Mail Transfer

Protocol (SMTP), and Hypertext Transfer Protocol (HTTP) (column 4, lines 29-41).

As per claim 41, Keyes teaches the method on the program storage device of claim 39,

wherein transmitting the diagnostic report is executed by a communication module in the

networked device (column 4, lines 42-50).

As per claim 42, Keyes teaches the method on the program storage device of claim 36,

wherein the diagnostic report is received by the customer service center in the electronic format

and programmatically read at the customer service center (column 4, lines 11-18).

As per claim 43, Keyes teaches the method on the program storage device of claim 42,

further includes: receiving the diagnostic report at the service center in the electronic format; and

reading the diagnostic report programmatically at the service center (column 4, lines 11-18).

As per claim 44, Keyes teaches the method on the program storage device of claim 43, including determining a suggested course of action based on the diagnostic report at the service center (column 4, lines 42-50).

As per claim 45, Keyes teaches the method on the program storage device of claim 36, including communicating the suggested course of action from the service center to a customer representative (column 4, lines 16-18).

As per claim 46, Keyes teaches the method on the program storage device of claim 36, wherein creating the diagnostic report includes reading a configuration status file of the network device (column 3, lines 52-58).

As per claim 47, Keyes teaches the method on the program storage device of claim 36, ·wherein the error notification includes at least one of a user selection on an interface of the networked device, and an automatic signal generated by a machine error in the networked device (column 4, lines 30-32).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 3, 14-16, 27, 31, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Keyes in view of Taggert et al. U.S. Patent 6,944,659.

As per claim 3, Keyes teaches the method of claim 2. Keyes does not explicitly teach

wherein generating the electronic format of the diagnostic report includes creating the diagnostic

report in at least one of Extensible Markup Language (XML), Hypertext Markup Language

(HTML), and Comma Delimited Format. Taggert does teach wherein generating the electronic

format of the diagnostic report includes creating the diagnostic report in at least one of

Extensible Markup Language (XML), Hypertext Markup Language (HTML), and Comma

Delimited Format (column 3, lines 26-28). It would have been obvious to one of ordinary skill

in the art at the time the invention was made to combine the XML language process of Taggert to

the notification process of Keyes. One of ordinary skill in the art would have been motivated to

combine the XML language process of Taggert to the notification process of Keyes because

Taggert teaches his process of transmitting an error event to a remote computer for

remedification (column 2, liens 13-18); an explicit desire of Keyes (column 1, lines 6-10).

As per claim 14, Keyes teaches the network device of claim 13. Keyes does not explicitly

teach wherein generating the electronic format of the diagnostic report includes creating the

diagnostic report in at least one of Extensible Markup Language (XML), Hypertext Markup

Language (HTML), and Comma Delimited Format. Taggert does teach wherein generating the

electronic format of the diagnostic report includes creating the diagnostic report in at least one of

Extensible Markup Language (XML), Hypertext Markup Language (HTML), and Comma

Delimited Format (column 3, lines 26-28). It would have been obvious to one of ordinary skill

in the art at the time the invention was made to combine the XML language process of Taggert to

the notification process of Keyes. One of ordinary skill in the art would have been motivated to

combine the XML language process of Taggert to the notification process of Keyes because

Taggert teaches his process of transmitting an error event to a remote computer for

remedification (column 2, liens 13-18); an explicit desire of Keyes (column 1, lines 6-10).

As per claim 15, Keyes teaches the networked device of claim 14, wherein the

communications module transmits the diagnostic report through a network firewall to a location

on an external network (column 3, line 65 – column 4, line 5).

As per claim 16, Keyes teaches the networked device of claim 15, wherein the

communication module uses at least one of Simple Mail Transfer Protocol (SMTP), and

Hypertext Transfer Protocol (HTTP) to transmit the diagnostic report through the firewall

(column 4, lines 29-41).

As per claim 27, Keyes teaches the user service system of claim 26. Keyes does not

explicitly teach wherein generating the electronic format of the diagnostic report includes

creating the diagnostic report in at least one of Extensible Markup Language (XML), Hypertext

Markup Language (HTML), and Comma Delimited Format. Taggert does teach wherein

generating the electronic format of the diagnostic report includes creating the diagnostic report in

at least one of Extensible Markup Language (XML), Hypertext Markup Language (HTML), and

Comma Delimited Format (column 3, lines 26-28). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to combine the XML language

process of Taggert to the notification process of Keyes. One of ordinary skill in the art would

have been motivated to combine the XML language process of Taggert to the notification

process of Keyes because Taggert teaches his process of transmitting an error event to a remote

computer for remedification (column 2, liens 13-18); an explicit desire of Keyes (column 1, lines

6-10).

As per claim 31, Keyes teaches the network device of claim 30. Keyes does not

explicitly teach wherein generating the electronic format of the diagnostic report includes

creating the diagnostic report in at least one of Extensible Markup Language (XML), Hypertext

Markup Language (HTML), and Comma Delimited Format. Taggert does teach wherein

generating the electronic format of the diagnostic report includes creating the diagnostic report in

at least one of Extensible Markup Language (XML), Hypertext Markup Language (HTML), and

Comma Delimited Format (column 3, lines 26-28). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to combine the XML language

process of Taggert to the notification process of Keyes. One of ordinary skill in the art would

have been motivated to combine the XML language process of Taggert to the notification

process of Keyes because Taggert teaches his process of transmitting an error event to a remote

computer for remedification (column 2, liens 13-18); an explicit desire of Keyes (column 1, lines

6-10).

As per claim 38, Keyes teaches the method on the program storage device of claim 36.

Keyes does not explicitly teach wherein generating the electronic format of the diagnostic report

includes creating the diagnostic report in at least one of Extensible Markup Language (XML),

Hypertext Markup Language (HTML), and Comma Delimited Format. Taggert does teach

wherein generating the electronic format of the diagnostic report includes creating the diagnostic

report in at least one of Extensible Markup Language (XML), Hypertext Markup Language

(HTML), and Comma Delimited Format (column 3, lines 26-28). It would have been obvious to

one of ordinary skill in the art at the time the invention was made to combine the XML language

process of Taggert to the notification process of Keyes. One of ordinary skill in the art would

have been motivated to combine the XML language process of Taggert to the notification

process of Keyes because Taggert teaches his process of transmitting an error event to a remote

computer for remedification (column 2, liens 13-18); an explicit desire of Keyes (column 1, lines

6-10).

5.   Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keyes in

view of Deshpande et al. U.S. Patent 7,149,936.

As per claim 23, Keyes teaches the method of claim 18. Keyes does not explicitly teach

wherein communicating the suggested course of action to the customer representative includes

verbal communication. Deshpande does teach wherein communicating the suggested course of

action to the customer representative includes verbal communication (column 4, lines 49-52). It

would have been obvious to one of ordinary skill in the art at the time the invention was made to

combine the communication of Deshpande to the resolution process of Keyes. One of ordinary

skill in the art would have been motivated combine the communication of Deshpande to the

resolution process of Keyes because Deshpande teaches the benefits of remote diagnosis of a

errant peripheral (column 1, lines 7-11); an explicit desire of Keyes (column 1, lines 6-10).

As per claim 24, Keyes teaches the method of claim 23. Keyes does not explicitly teach wherein communicating the suggested course of action to the customer representative includes verbal communication over a telephonic network. Deshpande does teach wherein communicating the suggested course of action to the customer representative includes verbal communication over a telephonic network (column 4, lines 49-52; column 8, lines 21-22).). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the communication of Deshpande to the resolution process of Keyes. One of ordinary skill in the art would have been motivated combine the communication of Deshpande to the resolution process of Keyes because Deshpande teaches the benefits of remote diagnosis of a errant peripheral (column 1, lines 7-11); an explicit desire of Keyes (column 1, lines 6-10).
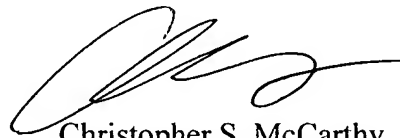
Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: See attached PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. McCarthy whose telephone number is (571)272-3651. The examiner can normally be reached on M-F, 9 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571)272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher S. McCarthy
Examiner
Art Unit 2113